

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:22-cv-06610-VBF-SP	Date	July 14, 2023
Title	Darrell Eugene Johnson v. Dr. Joseph Cruz et al.		

Present: The Honorable	Sheri Pym, United States Magistrate Judge		
Kimberly Carter	None		None
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiff:		Attorneys Present for Defendant:	
None Present		None Present	

Proceedings: (In Chambers) Order Administratively Closing Case as Duplicative

On April 23, 2020, plaintiff filed a civil rights complaint that was assigned case number 2:20-cv-3725 in this court. On June 29, 2022, the court found it subject to dismissal but granted leave to amend. On July 14, 2022, plaintiff filed a First Amended Complaint in case number 2:20-cv-3725.

Meanwhile, on April 28, 2022 – after plaintiff filed his complaint in case number 2:20-cv-3725 but before the court found it subject to dismissal – plaintiff initiated this case by filing a complaint in the Northern District of California. On June 17, 2022, a judge in the United States District Court for the Northern District of California found the complaint subject to dismissal but granted leave to amend. On June 28, 2022, plaintiff filed an amended complaint that clarified the case involved medical care he received while in custody at California Men’s Colony in the Central District of California. As such, on September 13, 2022, this action was transferred to this court. After the transfer, this case was assigned the new case number 2:22-cv-6610 in this court.

For several reasons, it is clear that this case, case number 2:22-cv-6610, is duplicative of case number 2:20-cv-3725, and that plaintiff intends to pursue his claims in case number 2:20-cv-3725. First, on the form complaint plaintiff originally filed in this case in the Northern District of California (docket no. 1), in the blank for case number, plaintiff printed case number 2:20-cv-03725. Second, in his amended complaint in this case (docket no. 9), plaintiff explicitly states he “originally filed this complaint [under] case # 2:20-cv-03725-VBF-SP” and that he was “refiling again” because he did not know what was going on with that case. Further, the cases are clearly based on the same set of facts and plaintiff brings the same legal claims in each. The only significant differences

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:22-cv-06610-VBF-SP

Date July 14, 2023

Title Darrell Eugene Johnson v. Dr. Joseph Cruz et al.

between the two cases appear to be: (1) plaintiff alleges the facts underlying his claims in much more detail in 2:20-cv-3725 than in 2:22-cv-6610; and (2) in 2:22-cv-6610 plaintiff brings claims against both defendants Cruz and Blaney, whereas in 2:20-cv-3725 plaintiff appears to have intentionally removed his claims against defendant Blaney.

For the reasons explained above and because the complaint in case number 2:20-cv-3725 appears to be the more complete of the two, the court now orders that case number 2:22-cv-6610 be ADMINISTRATIVELY CLOSED as duplicative. If plaintiff seeks to continue his claim against defendant Blaney, he may do so in case 2:20-cv-3725 by including Blaney in a Second Amended Complaint.